

**REMARKS/ARGUMENTS**

Claims 1-34 were pending in this application. Claims 3, 10, 23, 26 and 29 have been canceled. New claims 30-34 have been added.

The claims have been amended to substitute "graphic" for "emoticon." This is believed to more accurately reflect the present invention, and does not introduce new matter since an emoticon is described as a graphic in paragraph 0009, lines 17-18 of the application.

Walter. All the claims have been rejected as anticipated by Walter 2005/0156873. In paragraphs 0027 and 0028, as noted in the office action, Walter describes creating custom emoticons from images captured by an image selector 308.

All the independent claims have been amended to distinguish Walter. In particular, all the claims now require that the graphic be inserted into the communication "in real time." This does not add new matter, as the real time feature is described in paragraph 0049, lines 10-11, of the present application. Walter does not describe or suggest real time. Rather, Walter describes storing and manipulating the images, which can later be used for insertion into a message.

All the independent claims have also been amended to set forth that the insertion only occurs after a "trigger" by a user. This does not add new matter, as it was described in the canceled dependent claims. A number of possible triggers are set forth in paragraph 0040 of the present application. For example, the trigger can be a gesture by the user. Alternately, the trigger can be a voice command, an ASCII command, a specific button, a predetermined lapse of time, etc. Walker does not show or suggest such a feature.

**New Claims**

New claim 30 sets forth that the graphic represents motion by said user. This does not add new matter, since video generating animated emoticons is described in paragraphs 0047 and 0050. This is not shown or suggested by Walker.

New claim 31 sets forth that the trigger is a gesture by the user. This does not add new matter, as it was described in paragraph 0040. Walker does not show or suggest a trigger, and certainly does not show or suggest a gesture by a user as a trigger.

New claim 32 sets forth that the relevant information extracted by the information extraction and interpretation module is in a non graphic format. This does not add new matter, as it is described in paragraph 0036. As described in the embodiment of paragraph 0036, the image information is converted into textual information. This provides greater flexibility in mapping to the communication, by having an image independent format. This is not shown or suggested by Walker.

New claim 33 sets forth that the relevant information extracted by the information extraction and interpretation module is mapped to one of a preselected group of graphics, including graphics representing a smile, a frown and a wink. This does not add new matter, as it is described in Table 1 in paragraph 0044 of the present application. This is not shown or suggested by Walker, which appears to generate miniature images when the user can then customize, and thus would have a wide range of expressions rather than a few discrete expressions which the software automatically maps to the closest one of, as in the present invention.

New claim 34 sets forth that the relevant information extracted by said information extraction and interpretation module is an article worn by said user. Table 1 in paragraph 0044 gives the example of sunglasses worn by the user. While the image capture by Walker may include sunglasses, there is no description of recognizing sunglasses, and mapping to a graphic with sunglasses (as opposed to generating a miniature image).

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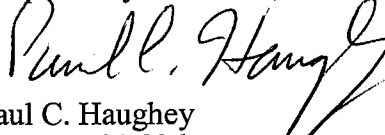
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**CONCLUSION**

In view of the foregoing, Applicants believe all claims now pending in this Application are in condition for allowance. The issuance of a formal Notice of Allowance at an early date is respectfully requested.

If the Examiner believes a telephone conference would expedite prosecution of this application, please telephone the undersigned at 415-576-0200.

Respectfully submitted,

  
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